

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

ASHLEY H. THOMPSON, mother,  
JUSTIN THOMPSON, minor child,  
JORDAN THOMPSON, minor child,  
and RONALD C. THOMPSON,  
husband,

Plaintiffs,

v.

RUBEN GARZA,

Defendants.

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\* CIVIL ACTION NO. 2:06-cv-420-WHA

**DEFENDANT'S MOTION TO EXTEND EXPERT  
DISCLOSURE DEADLINE**

COMES NOW the Defendant, Ruben Garza, by and through counsel, and respectfully requests this Honorable Court to extend the Defendant's expert disclosure deadline from April 23, 2007, to April 30, 2007. In support of said motion, the Defendant states as follows

1. This case involves an automobile accident involving the parties which occurred on August 18, 2005. As a result of this automobile accident, one of the Plaintiffs, Ashley Thompson, has filed this lawsuit seeking damages for various physical injuries.

2. In preparation of her case, Ashley Thompson has disclosed as an expert witness Dr. Nancy Crumpton, a vocational consultant who has examined and evaluated Ashley Thompson's alleged vocational loss as a result of the accident at issue in this case. Defense counsel has been provided with two written reports from Dr. Crumpton and, in addition, has been afforded the opportunity to take her deposition.

3. Pursuant to the Court's Order of January 24, 2007 (Doc. 27), the original Scheduling Order in this case was amended, at the request of Plaintiff's counsel, to allow the Plaintiffs to disclose experts on February 19, 2007, and the Defendants to disclose experts on April 23, 2007.

4. In light of the testimony and reports of Dr. Crumpton, the Defendant has retained its own vocational consultant, Leigh Clemmons, to evaluate Ashley Thompson. As a part of her evaluation, it is necessary for Ms. Clemmons to interview and conduct various tests on Ashley Thompson. Pursuant to an agreement among the attorneys, Ms. Clemmons was scheduled for a meeting with Ashley Thompson at the office of Plaintiff's counsel on April 18, 2007. However, Ashley Thompson did not appear for this meeting and Ms. Clemmons was unable to conduct her interview and examination.

5. It is the understanding of defense counsel that Ms. Clemmons has contacted Ashley Thompson and has rescheduled this meeting at Ashley Thompson's residence for April 24, 2007.

6. In light of Ashley Thompson's failure to appear for her examination and interview with Ms. Clemmons on April 18, 2007, as previously agreed to among the parties, the Defendant respectfully requests this Honorable Court to extend the Defendant's deadline to disclose expert witnesses for one week. More specifically, the Defendant requests the expert disclosure deadline be extended from April 23, 2007, to April 30, 2007. The undersigned has discussed this motion with Plaintiff's counsel. Plaintiff's counsel has no objection to this motion.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests this Honorable Court to extend the Defendant's expert disclosure deadline from April 23, 2007, until April 30, 2007.

Respectfully submitted this the 18<sup>th</sup> day of April, 2007.

/s/ S. Anthony Higgins  
S. ANTHONY HIGGINS  
Attorney for Defendant, Ruben C. Garza

OF COUNSEL:  
NIX HOLTSFORD GILLILAND HIGGINS & HITSON, P.C.  
P. O. Box 4128  
Montgomery, Alabama 36103  
Tel: 334-215-8585  
Fax: 334-215-7101

#### **CERTIFICATE OF SERVICE**

I hereby certified that on the 18<sup>th</sup> day of April 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Jay Lewis, Esq.  
K. Anderson Nelms, Esq.  
Law Offices of Jay Lewis, LLC  
P. O. Box 5059  
Montgomery, AL 36104

Virginia R. Lucci, Esq.  
516 S. Perry Street  
Montgomery, AL 36104

/s/S. Anthony Higgins  
Of Counsel